



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



JUN 26 2001

REPLY TO THE ATTENTION OF

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY  
CERTIFIED MAIL; RETURN RECEIPT REQUESTED

ORIGINAL Addressed To PRP 7

Re: Chemical Recovery Systems, Inc., 142 Locust Street, Elyria,  
Ohio 44035

Dear Sir or Madam:

This letter (in most cases<sup>1</sup>) follows a general notice letter that was issued on March 1, 2001, in connection with the above-referenced site. As the listed contact person for the potentially responsible party (PRP) identified above, this letter has been sent to your attention. This letter serves three basic functions. First, it contains a formal demand for reimbursement of costs that have been incurred, including interest thereon, and that are expected to be incurred, which are subject to interest, in response to the health and environmental concerns at the site. Second, this letter notifies you that a 60 day period of formal negotiations with the U.S. Environmental Protection Agency (U.S. EPA) automatically begins with this letter. Third, this letter provides general and site-specific information to assist you in these negotiations.

**NOTICE OF POTENTIAL LIABILITY**

As indicated in the general notice letter previously sent regarding this site, U.S. EPA has information indicating that you may be a PRP as defined at Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a), as amended (CERCLA), with respect to this site.

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<sup>1</sup> In a few cases, U.S. EPA has only now determined that a party is a PRP at this Site. In these cases, U.S. EPA is sending both General and Special Notices together with copies of documentation linking the PRP to this Site.

2. A paragraph-by-paragraph response to U.S. EPA's statement of work and draft administrative order including a response to any other attached documents.
3. A detailed description of the work plan identifying how the PRPs plan to proceed with the work.
4. A demonstration of the PRPs' technical capability to carry out the RI/FS including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select the firm(s).
5. A demonstration of the PRPs' capability to finance the RI/FS.
6. A statement of willingness by the PRPs to reimburse U.S. EPA for costs incurred in overseeing the PRPs' conduct of the RI/FS.
7. The name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

#### **INFORMATION RELEASE**

The parties are hereby notified that additional information has been obtained since the previous notice. U.S. EPA is providing the following information as an attachment to this letter:

1. An updated list of names and addresses of PRPs to whom this notification is being sent. Inclusion on, or exclusion from, the list does not constitute a final determination by U.S. EPA concerning the liability of any party for the release or threat of release of hazardous substances at the site.
2. A fact sheet that describes the site.

#### **DEMAND FOR PAYMENT**

With this letter, U.S. EPA demands that you reimburse U.S. EPA for its costs incurred to date, and encourages you to voluntarily negotiate a consent order under which you and other PRPs agree to perform the RI/FS.

In accordance with CERCLA, U.S. EPA already has undertaken certain actions and incurred certain costs in response to

documents related to the response action selected for this site, will be available to the public for inspection and comment. These files are located in the Superfund Records Center located at the U.S. EPA regional office, 77 W. Jackson Blvd., Chicago, Illinois. Copies of documents in the administrative record file are also available for public inspection pursuant to 40 CFR 300.805 at the local Site Repository located at:

Elyria Public Library  
320 Washington Avenue  
Elyria, Ohio 44035  
(440) 323-5747

#### PRP RESPONSE AND U.S. EPA CONTACT PERSON

You are encouraged to contact U.S. EPA by **July 11, 2001**, to indicate your willingness to participate in future negotiations at this site. Otherwise, you have 60 calendar days from this notice to provide U.S. EPA with a good faith offer, in writing, demonstrating your willingness to perform the RI/FS. You may respond individually or through a steering committee if such a committee has been formed. If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response, and that you have declined any involvement in performing the response activities. You may be held liable by U.S. EPA under Section 107 of CERCLA for the cost of the response activities U.S. EPA performs at the site and for any damages to natural resources.

Your response to this notice letter should be sent to:

Deena Sheppard-Johnson  
Enforcement Specialist  
U.S. Environmental Protection Agency  
Remedial Enforcement Support Section  
77 West Jackson Boulevard (SR-6J)  
Chicago, Illinois 60604-3590

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final U.S. EPA positions on any matter set forth herein. If you have questions of a technical nature, contact Gwendolyn Massenburg, Remedial Project Manager, at (312) 886-0983. For legal questions contact Thomas Nash, Associate Regional Council,

**Is your RETURN ADDRESS completed on the reverse side?**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

J. C. Whitlam Manufacturing Co.  
Attn: Steve Carey  
P.O. Box 380  
Wadsworth, OH 44282-0380

4a. Article Number  
7099 3400 0000 9588 0709

4b. Service Type

☐ Registered ☐ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5. Received By: (Print Name)  
Sean Whitlam

6. Signature: (Addressee or Agent)  
X Sean Whitlam

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

**U.S. Postal Service**

**CERTIFIED MAIL RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage \$ 3.95

Certified Fee 1.95

Return Receipt Fee (Endorsement Required) 1.50

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$ 7.25

CHICAGO, ILL 60601

Postmark Here

Name (F) J. C. Whitlam Manufacturing Co.  
Street, A Attn: Steve Carey  
City, Sta P.O. Box 380  
Wadsworth, OH 44282-0380

PS Form 3811, December 1994

Instructions